Chairman Wicker, Ranking Member Cantwell, and Members of the Committee, I am Joe Simons, and I am the Chairman of the Federal Trade Commission (“FTC” or “Commission”). It is an honor to be with you today, especially alongside my fellow Commissioners.

Despite the challenges presented by the pandemic, the FTC has remained open, active, and aggressive. We have used every tool in our arsenal on COVID-related initiatives, while simultaneously handling our everyday efforts to protect consumers’ privacy and data security, stop fraud, ensure that advertising claims are truthful and not misleading, and combat illegal robocalls. And—what is truly extraordinary—Commission staff has accomplished this while quickly transitioning from nearly 100% office-based work to nearly 100% telework.

I want to take a moment to focus on one of my top priorities: privacy and data security. Our enforcement in these areas—including cases against Facebook, Google and YouTube,
and Equifax—has been highly successful within the limits of our authority. But, as I have said before, Section 5 is a 100-year-old statute that is an imperfect tool for this purpose. I believe we need more authority, which is why I urge you to continue your hard work to enact privacy and data security legislation that would be enforced by the FTC. As policymakers, it is appropriate for you to make the difficult value-based decisions underlying new privacy protections. From an enforcement perspective, I ask that the legislation give us: (1) the ability to seek civil penalties, (2) jurisdiction over non-profits and common carriers, and (3) targeted Administrative Procedure Act (“APA”) rulemaking authority to ensure the law keeps pace with changes in technology and the market. This is similar to the approach Congress took under the Children’s Online Privacy Protection Act (“COPPA”). We will continue to vigorously enforce existing privacy statutes, and we will use our extensive expertise and experience to enforce aggressively any new privacy or data security laws that you pass.

We also need your help to clarify our authority under Section 13(b) of the FTC Act, which is our principal means of getting money back for consumers. Using this authority as it has been interpreted for decades, the FTC has returned over $10 billion to consumers in just the

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last four years. Recent court decisions, however, threaten this essential authority, and this issue is now before the Supreme Court. I strongly urge you to clarify the law.

I want to thank the Committee for advancing legislation to reauthorize the U.S. SAFE WEB Act—an indispensable tool in combatting cross-border fraud. However, without further Congressional action, SAFE WEB will sunset on September 30. I would like your continued support in pushing this effort across the goal line, and keeping SAFE WEB in our enforcement arsenal.

Though I am asking for more help, please know how grateful I am for what you already have done on these issues. I am also very thankful for the financial support Congress has given the FTC this year. The $20 million increase averted full-time employee reductions, and instead allows us to hire more people for some of our most critical work.

I also want to mention the recent European Union (“EU”) ruling on the EU-U.S. Privacy Shield and note that we are studying its effects. We stand ready to support the administration’s efforts in this area, but at the same time we will continue to hold companies accountable for their privacy commitments, including promises made under the Privacy Shield.

I will end by briefly highlighting our antitrust enforcement. We are on pace for the highest number of merger enforcement actions in 20 years (since FY 2000). We have brought

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four monopolization cases in the last two years.\textsuperscript{15} Last year we formed the Technology Enforcement Division ("TED"),\textsuperscript{16} which is currently pursuing a number of very significant investigations involving big tech platforms, and we have used our study authority to issue special orders to Alphabet, Amazon, Apple, Facebook, and Microsoft requiring them to provide information about prior acquisitions not reported under the HSR Act.\textsuperscript{17}

We are committed to using every resource to effectively protect consumers and promote competition. We look forward to continuing to work with you, and I would be happy to answer your questions.

\begin{itemize}
\item \textsuperscript{17} FTC Press Release, \textit{FTC to Examine Past Acquisitions by Large Technology Companies} (Feb. 11, 2020), \url{https://www.ftc.gov/news-events/press-releases/2020/02/ftc-examine-past-acquisitions-large-technology-companies}.
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